



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

Issue Date: July 5, 2002
Expiration Date: August 19, 2002

**NOTICE OF AVAILABILITY OF
A FINAL ENVIRONMENTAL IMPACT STATEMENT AND CLEAN AIR ACT DRAFT
STATEMENT OF CONFORMITY REGARDING APPLICATION FOR A DEPARTMENT OF
THE ARMY PERMIT FOR THE MEADOWLANDS MILLS PROJECT PROPOSED BY
EMPIRE, LTD.**

To Whom It May Concern:

In accordance with National Environmental Policy Act (NEPA), (42 U.S.C. Part 4321 *et seq.*) and U.S. Army Corps of Engineers regulations (Title 33 of the Code of Federal Regulations (CFR)), Part 325, Appendix B), the New York District of the U.S. Army Corps of Engineers, acting as lead agency pursuant to 40 CFR Part 1501.5, has prepared a Final Environmental Impact Statement (FEIS) to assist in the review of a permit application submitted by Empire, Ltd for the Meadowlands Mills project. Formal notice of the availability of the FEIS is to be published in the July 5, 2002 *Federal Register*.

Empire, Ltd. seeks authorization to discharge approximately 2.5 million cubic yards of fill material into 206 acres of waters of the United States, including wetlands, to create dry land to facilitate the construction of a mixed-use commercial development project. The location of the work is a 587 acre site known as the Empire Tract, containing wetlands and waters in and adjacent to the Hackensack River, Moonachie Creek, Losen Slote Creek, Bashes Creek, Doctor's Creek and Upper Muddabach Creek, at the Borough of Carlstadt and Township of South Hackensack, Bergen County, New Jersey. The proposed project is located entirely within the Hackensack Meadowlands District (HMD).

The project, known as Meadowlands Mills, would include a super-regional retail/entertainment center, office space, hotel, mass transit facility, warehouse/distribution facilities, and associated parking structures and roadways including an extension of Route 120 which includes a connection to the New Jersey Turnpike. The applicant has proposed a wetland mitigation plan with the application, entailing enhancement of 335 acres and preservation of 45 acres on the Empire Tract. The project is proposed to be constructed by The Mills Corporation of Arlington, Virginia.

An application for a Department of the Army permit was submitted in July 1995, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). A public notice was issued by the Corps of Engineers on August 9, 1996 which described the proposal of Empire, Ltd. as set forth in the permit application. Public hearings were conducted on September 11 and October 17, 1996. Based upon a review of the information submitted with the application, and consideration of the responses provided to the public notice, and at the public hearings, the Corps of Engineers determined that the issuance of a permit for the application by Empire, Ltd., would be a major federal action significantly affecting the quality of the human environment, and that preparation of a federal Environmental Impact Statement (EIS) was necessary to evaluate the permit application. A Notice of Intent to prepare an Environmental Impact Statement was published in the *Federal Register* on March 28, 1997 and a public Scoping Meeting was held on May 8, 1997. A final

scope of work was issued on May 30, 1997. A Draft Environmental Impact Statement (DEIS) was made available for public comment in July 2000. Two sessions of a public hearing were held on August 29 and September 25, 2000 for comment on the DEIS. Responses to the DEIS comments are included in the FEIS.

The FEIS evaluates existing site conditions and potential impacts, including indirect and cumulative impacts of the applicant's proposed action, and other alternative actions that were identified through the public scoping process and the Corps of Engineers analysis of the project to date. The United States Environmental Protection Agency (EPA), the Fish and Wildlife Service (FWS) of the United States Department of the Interior, the National Marine Fisheries Service (NMFS) of the United States Department of Commerce, the New Jersey Department of Transportation (NJDOT), the New Jersey Turnpike Authority, New Jersey Transit, and the New Jersey Meadowlands Commission (NJMC) have all served as cooperating agencies under the National Environmental Policy Act (NEPA) in the preparation of the FEIS.

FEIS AVAILABILITY

The FEIS is available for public review at the following locations:

U.S. Army Corps of Engineers
New York District
26 Federal Plaza, Room 1937
New York, New York 10278-0090
(212) 264-0183

New Jersey Meadowlands Commission
MERI Library
One Dekorte Park Plaza
Lyndhurst, New Jersey 0707
(201) 460-1700

Carlstadt Free Public Library
420 Hackensack Street
Carlstadt, New Jersey 07072
(201) 438-8866

NJ Department of Environmental Protection
Information Resource Center
432 East State Street, 1st Floor
Trenton, New Jersey 08625
(609) 984-2249

East Rutherford Memorial Library
143 Boiling Springs Avenue
East Rutherford, New Jersey 07073
(201) 939-3930

Johnson Public Library
274 Main Street
Hackensack, New Jersey 07601
(201) 343-4781

Secaucus Free Public Library
120 Plaza Center
Secaucus, New Jersey 07094
(201) 330-2084

Carlstadt Borough Clerk's Office
500 Madison Street
Carlstadt, New Jersey 07072
(201) 531-7184

The Corps of Engineers neither favors nor opposes the proposed project. The purpose of this public notice is to afford the Corps of Engineers the opportunity to hear from the general public on the FEIS, in order to acquire information which will be considered in evaluating the permit application. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments will be considered by the Corps of Engineers in determining whether to issue, condition, or deny a permit for this proposal.

All interested individuals, groups, and agencies are invited to furnish specific data on aspects of the proposed activity. All comment letters will be made part of the permit application record, and will also be considered in the permit decision-making process.

ALL WRITTEN COMMENTS REGARDING THE FEIS MUST BE MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE. Absence of comments will be presumed to mean that there are no objections to the activity.

All written statements, charts, tabulations, and similar data offered in evidence shall be received in evidence will become part of the administrative record for this permit action. For filing purposes it is requested that the material not exceed 8 1/2" x 14", if possible.

The comment period will remain open until **5 PM on Monday, August 19, 2002**. All comments should be sent to the following address, or by fax to (212) 264-4260, or by email to steven.a.schumach@usace.army.mil, in order to be received prior to the close of the record:

New York District Corps of Engineers
Regulatory Branch
Jacob K. Javits Federal Building, Room 1937
New York, New York 10278-0090

The Clean Air Act (42 U.S.C, Part 7401 et seq.) (CAA) and subsequent amendments specify regulation for control of the nation's air quality. Federal and state ambient air standard have been established for each criteria pollutant. CAA Section 309, requires compliance with all applicable substantive and administrative requirements for air pollution control. See Section 7.16 of the FEIS for a Clean Air Act Draft Statement of Conformity pursuant to this requirement.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act. The applicant must obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act for the project, prior to issuance of a permit.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], activities under consideration are located within the coastal zone of a state which has a federally approved coastal zone management program. The applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. The Corps of Engineers requires the state's concurrence with, objection to, or waiver of the applicant's certification. No Department of the Army permit will be issued until one of these actions occur. For activities within the coastal zone of New Jersey the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification should be so addressed.

It is requested that you communicate the foregoing information concerning the availability of this public notice and the FEIS, to any persons known by you to be interested and who may not have received a copy of this notice.

Following the close of the FEIS comment period, and review of the comments that are provided, the Corps of Engineers will prepare a Record of Decision at which time a decision on the application will be made.

If you have any questions concerning this application, or need more information, you may contact this office at (212) 264-0183 and ask for Mr. Steven A. Schumach. The FEIS, Appendices, and the Clean Air Act Draft Statement of Conformity are available for viewing on the District's website www.nan.usace.army.mil and at the repositories listed above.

A handwritten signature in black ink, reading "Richard L. Tomer". The signature is written in a cursive style with a large, stylized "R" and "T".

Richard L. Tomer
Acting Chief, Regulatory Branch